

Serial No. 10/543,107
Reply Dated: August 5, 2008
Reply to Office Action Mailed: March 5, 2008
Attorney Docket No. 037068.56494US

REMARKS

Claims 11-30 are pending in the application. Reexamination and reconsideration are respectfully requested.

In the Office Actions, claims 11-30 were rejected as obvious over Bieker et al. (U.S RE38,874E) in view of Thiel et al. (U.S. 4, 658,938) and Kay et al. (U.S. 5,875,873). Applicants respectfully request reconsideration in view of the following remarks.

Applicants' independent claim 11 recites a disc brake having a caliper, which, in use, straddles a brake disc. A closing plate is provided which, in use, closes off an opening in the caliper facing the brake disc. A detachable retaining clamp (for example 3 in Figure 1) is stationarily arranged with respect to the caliper and supports springs that act upon the brake pads. According to the invention, the closing plate is provided with a holding device in which an end of the retaining clamp rests and is held in a loading direction (see, for example, holding device 4 of closing plate 2 in Figures 1 and 2).

Applicants' invention advantageously provides the holding device for the retaining clamp as part of the closing plate, which is easily formed, improves the positioning of the retaining claim, and reduces the manufacturing expenditures in connection with the disc brake (see paragraphs 10-12).

In contrast, neither Bieker, Thiel or Kay disclose or suggest providing a holding device as part of a closing plate that is secured to the caliper and closing off an opening of the caliper. Bieker et al. (commonly owned with the Assignee of the present invention) shows the prior art approach of forming a slot in the caliper itself, which slot is located above the closing plate (see Figure 1). The formation of such a slot in a caliper is associated with all sorts of additional manufacturing and casting costs. For example, an additional core is required to achieve the slot when casting (see paragraph 9) and its presence results in an increase in machining costs (see paragraph 12).

Similarly, the brake pads 16, 18 in Thiel are retained by pad retaining pins 22, 24 that also engage into the caliper (see Figure 1; col. 2, lines 42-43; claim 9).

Finally, the Kay reference also secures the brake pads via arms 40 of a stabilizer bar assembly 38, which arms 40 engage holes in the caliper (see Figures 2a and 2b) or a cast ledge of the caliper 114 (see Figures 5a and 5b).

Thus, each of the prior art references merely disclose the solution known in the prior art of retaining the brake pads via a detachable retaining clamp having an end secured into a specially configured caliper. This, of course, suffers all of the disadvantages overcome by Applicants' invention.

Because none of the references disclose or suggest forming a holding device as part of closing plate that closes an opening of the caliper that faces the brake disc, when in use, it is respectfully submitted that claim 11 is patentable over these references. In that regard, Applicants note that one skilled in the art would have no reason to further modify Bieker, Thiel or Kay with respect to securing the retaining clamp as each of those references provides a workable solution. It is only upon considering Applicants' novel arrangement that would lead the skilled artisan toward adopting Applicants' solution and further modifying Bieker, Thiel or Kay, to arrive at such a solution. This, of course, is improper as it uses the Applicants' teachings against himself.

Accordingly, Applicants submit independent claim 11, and dependent claims 12-20 are patentable over the above references. Indeed, even the combination of the above references does not fully meet Applicants' claim language thus failing to make a prima facie case of obviousness.

Applicants' independent claim 1 recites the sub-combination of the closing plate configured to close off the opening in the caliper and including a fixing device to hold the end of a detachable retaining clamp in a loading direction thereof.

Because neither Bieker, Thiel or Kay disclose the use of a closing plate having a fixing device, it is respectfully submitted that claim 21 is patentable

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there over for the reasons set forth above. Further, claims 22-30 depend from claim 21 and are also submitted to be patentable.

In view of the foregoing, applicants submit claims 11-30 are now in condition for allowance. An early notice to that effect is solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #037068.56494US).

Respectfully submitted,

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Jeffrey D. Sanok
Registration No. 32,169

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JDS:njr
6157590_1